

Notice of Allowability

Application No.

10/712,762

Examiner

Mark Ruthkosky

Applicant(s)

HEINE ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/14/2005.
2. ☒ The allowed claim(s) is/are 4 and 6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

MARK RUTHKOSKY
PRIMARY EXAMINER
Mark Ruthkosky
11/22/05

DETAILED ACTION

Claim Objections

The objection to claims 2-5 has been overcome by the applicant's amendment.

Claim Rejections - 35 USC § 112

The rejection of claims 2, 4, and 6 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been overcome by the applicant's amendment.

Claim Rejections - 35 USC § 102

The rejection of claims 1, 3 and 5 under 35 U.S.C. 102(e) as being anticipated by Fang (US 2003/0234632 A1) has been overcome by the applicant's cancellation of the claims.

The rejection of claims 1, 3 and 5 under 35 U.S.C. 102(b) as being anticipated by Tamai (US 5,764,033) has been overcome by the applicant's cancellation of the claims.

Allowable Subject Matter

Claims 4 and 6 are allowed.

The following is an examiner's statement of reasons for allowance: The instant claims are to a chargeable device for medical diagnostic instruments, comprising a battery having two opposite ends and an outer sheathing in which an Li-ion cell, a protective circuit and a charge/discharge module are accommodated, wherein said Li-ion cell has a same first polarity at

both said opposite ends and a terminal of a second polarity opposite to said first polarity is arranged in a lateral surface of said battery.

The most pertinent prior art has been cited. Fang (US 2003/0234632) teaches a chargeable battery comprising a battery having two opposite ends and an outer sheathing in which lithium rechargeable cells, a protective circuit and a charge/discharge module are accommodated (see figures 3 and 5.) Lithium rechargeable cells are inherently lithium ion batteries as the lithium ion is used to transfer charge upon charging or discharging the battery. A charge/discharge receptacle is located in the casing (Figure 3 and the accompanying text.) The protective circuit further includes a controller that prevents charge/discharge overloading (paragraphs 21-22 and figure 5.)

Tamai (US 5,764,033) teaches a chargeable battery comprising a battery pack in which lithium ion rechargeable cells, a protective circuit and a charge/discharge module are accommodated (figure 1; col. 2, lines 1-38; claims 1-5.) Lithium rechargeable cells are inherently lithium ion batteries as the lithium ion is used to transfer charge upon charging or discharging the battery. The battery pack inherently has two ends and an outer sheathing, as it is a pack. The protective circuit includes a control system that prevents charge/discharge overloading by switching the system off when the charging current is greater than a specified value (col. 1, lines 35-60.) This is considered to be a charge/discharge module.

The references do not teach a battery having two opposite ends and an outer sheathing in which an Li-ion cell, a protective circuit and a charge/discharge module are accommodated, wherein said Li-ion cell has a same first polarity at both said opposite ends and a terminal of a second polarity opposite to said first polarity arranged in a lateral surface of said battery.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free.)

Mark Ruthkosky
Primary Patent Examiner
Art Unit 1745